



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 2138 OF 2023

Nandkishor Parasram Ambhore
VERSUS
The State Of Maharashtra

...
Mr. M.S. Taur Advocate for Applicant
Mr. S.A. Gaikwad APP for Respondents

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(CORAM : S. G. CHAPALGAONKAR, J.)
Dated: December 11, 2023

PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.0285 of 2023 registered with Pundaliknagar police station, Aurangabad, District Aurangabad for the offences punishable under sections 307, 120-B, 201 r/w 34 of the Indian Penal Code, u/s 3/25 of the Arms Act and u/s 135 of the Maharashtra Police Act.

2. Investigation was set in motion on the basis of the information given by one Prabhu Ahire, who alleges that on 31.7.2023, at about 4.30 p.m. while he was sitting in house, unknown persons entered in his room. He was holding a pistol in his hand. He fired two bullets towards him. Bullet hit on the wall. Culprit had masked his face by white cloth and he was wearing T-Shirt. Thereafter, culprit ran away from the home. Son of the informant tried to caught hold the culprit. During the scuffle, he was de-masked and son of the informant could see his face. One more person was also accompanied

with the culprit waiting in stair case. On the basis of the aforesaid information, the offence u/s 307 of the IPC and section 3, 25 of Arms act came to be registered against unknown culprits. Investigation progressed. Final charge-sheet came to be filed. During course of the investigation, accused persons are apprehended on 3.8.2023. Prayer of the applicant for grant of bail has been rejected by the Court of Sessions vide order dated 10.11.2023. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the aforesaid crime on the basis of the so-called disclosure statement of the co-accused. Identification parade is not carried in respect of the applicant nor he has been identified in the CCTV footage collected during the course of the investigation. In fact, no role is attributed against the applicant in commission of the offence except allegations that he accompanied the assailant. He would therefore, urge to release the applicant on bail.

3. Learned A.P.P. strongly opposes the prayer for grant of bail. He would submit that memorandum statement of the assailant shows that the applicant had accompanied him.

4. Having considered the submissions advanced, apparently, except so-called memorandum statement of accused no.1, there is nothing on record to show that applicant had accompanied the main assailant. Contents of the FIR shows that first informant had hearsay information that main assailant was accompanied by some other persons, however, particulars of such persons are not mentioned. Even, contents

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of the FIR shows that only accused no.1 had entered into the house and fired bullets towards the informant. Presence of another culprit is stated to be in the stair case of informant's house. However, there is no evidence in support of such contentions. Learned APP confirms that there are no criminal antecedents as against the applicant. The applicant is behind bar since last three months. Investigation in the matter is complete. Further detention of the applicant would not be necessary. Hence, the case is made out for grant of bail. Hence, the following order.

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant - Nandkishor Parasram Ambhore be released on bail in connection with Crime No.0285 of 2023 registered with Pundaliknagar police station, Aurangabad, District Aurangabad for the offences punishable under sections 307, 120-B, 201 r/w 34 of the Indian Penal Code, u/s 3/25 of the Arms Act and u/s 135 of the Maharashtra Police Act on his furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-
 - a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall attend each and every effective date before the trial court.

- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

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